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# Rough Seas: The Greek-Turkish Aegean Sea Dispute and Ideas for Resolution

JULIA VASSALOTTI\*

## I. INTRODUCTION

The Aegean Sea (Aegean) dispute between Greece and Turkey is complex and long-standing.<sup>1</sup> Both nations disagree on: (1) the sovereignty of certain Greek islands, islets, and rocks;<sup>2</sup> (2) the demilitarization of particular islands;<sup>3</sup> (3) the continental shelf delimitation;<sup>4</sup> (4) the territorial sea breadth;<sup>5</sup> and (5) the extent of territorial airspace.<sup>6</sup>

This paper explores the Greek-Turkish conflict concerning the continental shelf delimitation and the territorial sea breadth in the Aegean. Part II discusses the historical and legal background of the Aegean dispute. Part III describes the current Greek-Turkish conflict regarding the delimitation of the continental shelf and the territorial sea in the Aegean, including the nations' arguments. Part IV examines possible resolutions to the Aegean dispute.

## II. BACKGROUND

Hostile relations between Greece and Turkey developed when Constantinople fell to the Ottoman Turks in 1453.<sup>7</sup> Greece remained under Ottoman rule until the onset of the Greek War of Independence in

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1. See YÜCEL ACER, *THE AEGEAN MARITIME DISPUTES AND INTERNATIONAL LAW* ix (2003).

2. See *id.* at 19–22.

3. See *id.* at 23–24.

4. *Id.* at 36–42.

5. See *id.* at 27–34.

6. *Id.* at 34–36.

7. See RICHARD CLOGG, *A CONCISE HISTORY OF GREECE* 7 (2d ed. 2002).

1821.<sup>8</sup> Support from Britain, France, and Russia enabled Greece to defeat the Ottoman Turks.<sup>9</sup> The Treaty of Constantinople marked the end of the Greek War of Independence and created a sovereign Greek state.<sup>10</sup>

The Ottoman Empire continued to decline in the early twentieth Century.<sup>11</sup> During the Italo-Turkish War of 1911–12, the Ottomans lost Rhodes and the Dodecanese Islands to the Italians.<sup>12</sup> Subsequently, the Ottoman Empire surrendered Crete and most of the eastern Aegean islands to Greece at the conclusion of the Balkan Wars of 1912–13.<sup>13</sup>

The Treaty of Peace with Turkey (Treaty of Lausanne) established the borders of modern Turkey.<sup>14</sup> The Treaty of Lausanne ended the Greco-Turkish War of 1920–22<sup>15</sup> and authorized the islands of Imbros and Tenedos, the Rabbit Islands, and islands within three miles of the Asiatic coast to remain under Turkish control.<sup>16</sup>

The Treaty of Peace with Italy (Treaty of Paris) marked the conclusion of World War II and fixed the boundaries of modern Greece.<sup>17</sup> The Treaty of Paris transferred the Aegean islands, including Rhodes and the Dodecanese, from Italy to Greece.<sup>18</sup>

After the Treaty of Lausanne, Greece and Turkey entered a thirty-year détente.<sup>19</sup> During this relatively peaceful era, Greece and Turkey became North Atlantic Treaty Organization (NATO) allies.<sup>20</sup> Commentators believed that Greek-Turkish relations would remain friendly.<sup>21</sup>

8. *See id.* at 32.

9. *Id.* at 39–41 (explaining that the British, French, and Russian fleets crippled the Turkish fleet during the decisive Battle of Navarino in October 1827).

10. Treaty of Constantinople, July 21, 1832, Gr. Brit.-Fr.-Russ., arts. 1, 8 LX B.S.P. 33.

11. *See* ACER, *supra* note 1, at 18.

12. *Id.*

13. *Id.*

14. Treaty of Peace with Turkey, Gr. Brit.-Fr.-It.-Japan-Greece-Rom.-Serb. 11–29, July 24, 1923, 28 L.N.T.S. 11 [hereinafter Treaty of Lausanne] arts. 2–11.

15. *See* Scott Keefer, *Solving the Greek Turkish Boundary Dispute*, 11 CARDOZO J. INT'L & COMP. L. 55, 57 (2003). Following World War I, Greek occupation of Turkey triggered the Greco-Turkish War of 1920–22. *Id.*

16. Treaty of Lausanne, *supra* note 14, art. 12.

17. Treaty of Peace with Italy art. 14, Feb. 10, 1947, 61 Stat. 1245.

18. *Id.*

19. HARALAMBOS ATHANASOPOULOS, GREECE, TURKEY AND THE AEGEAN SEA 6 (2001).

20. Protocol to the North Atlantic Treaty on the Accession of Greece and Turkey art. I, *opened for signature* Oct. 17, 1951, 3 U.S.T. 43, 126 U.N.T.S. 350 (entered into force Feb. 15, 1952).

21. *See* TOZUN BAHCHELI, GRECO-TURKISH RELATIONS SINCE 1955, 16 (1990).

However, relations between Greece and Turkey were quickly damaged by the Cyprus problem.<sup>22</sup> After Great Britain acquired Cyprus from the Ottoman Empire in 1878, feelings of nationalism stirred among the Greek-Cypriot majority.<sup>23</sup> In 1955, Turkish demonstrators countered Greek-Cypriot demands for *enosis*<sup>24</sup> by attacking Greek residents in Istanbul.<sup>25</sup> The 1955 riots marked the end of the Greek-Turkish détente.<sup>26</sup> Years later, Greece and Turkey narrowly avoided war when Turkey invaded the Republic of Cyprus<sup>27</sup> in July 1974.<sup>28</sup>

Major conflicts in the Aegean also strained Greek-Turkish relations.<sup>29</sup> First, oil exploration in the Aegean in 1973 generated disagreement between Greece and Turkey concerning the continental shelf delimitation.<sup>30</sup> Second, the Third United Nations Conference on the Law of the Sea (UNCLOS III) polarized Greek-Turkish positions regarding the Aegean territorial sea breadth.<sup>31</sup> Third, the Imia crisis in 1996 caused Turkey to question Greece's territorial sovereignty over certain Aegean islands, islets, and rocks.<sup>32</sup>

### III. CONFLICT

Disagreements concerning the continental shelf delimitation and the territorial sea breadth in the Aegean increased hostility between Greece and Turkey.<sup>33</sup>

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22. For an excellent discussion of the Cyprus problem, see ATHANASOPOULOS, *supra* note 19, at 14–45. Cyprus, the third largest island in the Mediterranean Sea, is approximately 500 miles east of Greece and 40 miles south of Turkey. See BACHCHELI, *supra* note 21, at 19.

23. BACHCHELI, *supra* note 21, at 24; see also CLOGG, *supra* note 7, at 147. The population of Cyprus was roughly eighty percent Greek and twenty percent Turkish. CLOGG, *supra* note 7, at 147.

24. *Id.* (defining *enosis* as union with Greece).

25. ATHANASOPOULOS, *supra* note 19, at 6; see also CLOGG, *supra* note 7, at 147–48.

26. See ATHANASOPOULOS, *supra* note 19, at 6.

27. See generally FOREIGN OFFICE, CONFERENCE ON CYPRUS, 1959, Cmnd. 679 (UK) (creating the independent Republic of Cyprus).

28. ATHANASOPOULOS, *supra* note 19, at 8 (describing that Turkey occupied nearly forty percent of Cyprus in response to the illegal Greek coup against Cypriot President Makarios).

29. See Keefer, *supra* note 15, at 55.

30. ACER, *supra* note 1, at 36–42; ATHANASOPOULOS, *supra* note 19, at 46–49; see generally BACHCHELI, *supra* note 21, at 130–41.

31. ACER, *supra* note 1, at 30–31.

32. ATHANASOPOULOS, *supra* note 19, at 75–77; see also ACER, *supra* note 1, at 20–21; André Gerolymatos, *The Military Balance of Power Between Greece and Turkey: Tactical and Strategic Objectives*, in *THE AEGEAN SEA AFTER THE COLD WAR: SECURITY AND LAW OF THE SEA ISSUES* 47, 48–49 (Aldo Chircop et al. eds., 2000); Krateros M. Ioannou, *The Greek Territorial Sea*, in *GREECE AND THE LAW OF THE SEA* 115, 140–47 (Theodore C. Kariotis ed., 1997) (discussing the Imia Incident and its historical context).

33. See generally BACHCHELI, *supra* note 21, at 130–43 (discussing the continental shelf and territorial sea issues).

### A. Continental Shelf

The Aegean continental shelf delimitation is a complex and controversial issue involving oil exploration rights, international conventions, and international boundary decisions.<sup>34</sup>

#### 1. Context

The Greek-Turkish continental shelf dispute stemmed from oil exploration in the Aegean.<sup>35</sup> Greece began to search for oil in the early 1960s.<sup>36</sup> On November 1, 1973, Turkey responded by granting twenty-seven exploration permits in the Aegean to the Turkish Petroleum Company.<sup>37</sup> Turkey also published a map, illustrating planned exploration and research activities, which used a median line between the Greek and Turkish coasts to divide the Aegean continental shelf.<sup>38</sup> In a diplomatic note, Greece claimed that the Turkish delimitation disregarded the continental shelves of the eastern Greek islands.<sup>39</sup> Turkey replied that the delimitation was equitable.<sup>40</sup>

Without a resolution, Turkey sent its research vessel *Candarli* into disputed waters in May 1974.<sup>41</sup> In July 1974, Turkey granted four additional concessions in the Aegean to the Turkish Petroleum Company.<sup>42</sup> Greece objected to both actions.<sup>43</sup> At the 1975 NATO summit in Brussels, the Greek and Turkish Prime Ministers finally issued a joint communiqué (Brussels Communiqué) regarding the

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34. See generally *id.* at 130–41 (discussing the continental shelf issue).

35. ATHANASOPOULOS, *supra* note 19, at 46; BAHCHELI, *supra* note 21, at 130–31; see also ACER, *supra* note 1, at 36–37.

36. ACER, *supra* note 1, at 36; Christos L. Rozakis, *The Greek Continental Shelf, in GREECE AND THE LAW OF THE SEA* 67, 93–94 (Theodore C. Kariotis ed., 1997); see also BAHCHELI, *supra* note 21, at 130.

37. ACER, *supra* note 1, at 36; ATHANASOPOULOS, *supra* note 19, at 46; BAHCHELI, *supra* note 21, at 130. *But see* Rozakis, *supra* note 36, at 93 (claiming that the first incident in the Greek-Turkish dispute was the Turkish exploration, not the Greek).

38. ATHANASOPOULOS, *supra* note 19, at 46; Rozakis, *supra* note 36, at 95; see also ACER, *supra* note 1, at 37.

39. Aegean Sea Continental Shelf (Greece v. Turk.), 1976 I.C.J. 21 (Greek Note Verbale of Feb. 7, 1974); see also ACER, *supra* note 1, at 37; ATHANASOPOULOS, *supra* note 19, at 46; BAHCHELI, *supra* note 21, at 131; Rozakis, *supra* note 36, at 93–94.

40. Aegean Sea Continental Shelf (Greece v. Turk.), 1976 I.C.J. Pleadings 23 (Turkish Note Verbale of Feb. 27, 1974); ACER, *supra* note 1, at 37; BAHCHELI, *supra* note 21, at 131; see also Rozakis, *supra* note 36, at 101.

41. ATHANASOPOULOS, *supra* note 19, at 47; BAHCHELI, *supra* note 21, at 131; see also ACER, *supra* note 1, at 37; Rozakis, *supra* note 36, at 94, 112 n.90.

42. ACER, *supra* note 1, at 38; Rozakis, *supra* note 36, at 94–95.

43. See Rozakis, *supra* note 36, at 95.

resolution of the Aegean continental shelf dispute.<sup>44</sup> The Brussels Communiqué stated that the two nations should employ the International Court of Justice (ICJ) to settle the seabed dispute and utilize negotiation to solve other problems.<sup>45</sup>

The Brussels Communiqué quickly dissolved, however, when Turkey sent its research vessel *Hora* into disputed waters to collect seismic data in August 1976.<sup>46</sup> Considering the Turkish action as a threat to peace and security, Greece immediately referred the dispute to the United Nations Security Council (Security Council).<sup>47</sup> At the same time, Greece submitted a unilateral application to the ICJ to settle the dispute and provide interim measures of protection.<sup>48</sup>

Neither the Security Council nor the ICJ, however, resolved the Aegean continental shelf problem.<sup>49</sup> The Security Council recommended that Greece and Turkey reduce tension in the region and settle the dispute through bilateral negotiations or appropriate judicial means, namely the ICJ.<sup>50</sup> The ICJ subsequently rejected both elements of the Greek unilateral application.<sup>51</sup> First, the ICJ denied the Greek request for interim measures due to insufficient evidence of “irreparable prejudice” to Greek rights in the Aegean seabed.<sup>52</sup> Next, the ICJ found that it lacked jurisdiction to adjudicate on the merits of the dispute.<sup>53</sup>

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44. Joint Communiqué Issued After the Meeting of the Prime Ministers of Greece and Turkey, Messrs. Constatine Karamanlis and Suleyman Demirel in Brussels, 31 May 1975, reprinted in Annex I to letter dated Mar. 27, 1987 from the Permanent Representative of Greece to the United Nations Addressed to the Secretary-General, U.N. Doc. S/18766 (Mar. 27, 1987) [hereinafter Brussels Communiqué]; ATHANASOPOULOS, *supra* note 19, at 47; BAHCHELI, *supra* note 21, at 133; Rozakis, *supra* note 36, at 95–96.

45. Brussels Communiqué, *supra* note 44, at 1; ATHANASOPOULOS, *supra* note 19, at 47; Rozakis, *supra* note 36, at 95–96.

46. ATHANASOPOULOS, *supra* note 19, at 47; *see also* Rozakis, *supra* note 36, at 96.

47. ACER, *supra* note 1, at 38–39; ATHANASOPOULOS, *supra* note 19, at 47; BAHCHELI, *supra* note 21, at 134; Rozakis, *supra* note 36, at 96.

48. ACER, *supra* note 1, at 39; ATHANASOPOULOS, *supra* note 19, at 47; BAHCHELI, *supra* note 21, at 134; Rozakis, *supra* note 36, at 96–97.

49. *See* ACER, *supra* note 1, at 39–40; ATHANASOPOULOS, *supra* note 19, at 47–48; BAHCHELI, *supra* note 21, at 135–36; Rozakis, *supra* note 36, at 97.

50. *See* S.C. Res. 395, U.N. SCOR, 31st Year, U.N. Doc. S/INF/32, at 16 (Aug. 25, 1976).

51. Aegean Sea Continental Shelf (Greece v. Turk.), Order, 1976 I.C.J. 3, ¶¶ 28–33 (Sept. 11) [hereinafter Aegean Sea Continental Shelf Order]; Aegean Sea Continental Shelf (Greece v. Turk.), Judgment, 1978 I.C.J. 3, ¶¶ 88–90, 107–108 (Dec. 19) [hereinafter Aegean Sea Continental Shelf Judgment].

52. Aegean Sea Continental Shelf Order, *supra* note 51, ¶ 33.

53. Aegean Sea Continental Shelf Judgment, *supra* note 51, ¶ 109.

Since the ICJ decision, the Aegean continental shelf problem remains unresolved.<sup>54</sup> Pursuant to the 1976 Berne Protocol, Greece and Turkey agreed to refrain from prejudicial activities on the Aegean seabed and to study state practice and international law to aid the delimitation process.<sup>55</sup> Greek and Turkish cooperation was short-lived, however. In 1987, Greece announced that it intended to drill for oil near the Greek island of Thassos.<sup>56</sup> The Greek announcement prompted Turkey to send the *Sismik-I* into disputed waters.<sup>57</sup> Pressure from the United States and NATO, however, caused both nations to abandon their plans for oil exploration in the Aegean.<sup>58</sup> Following the *Sismik-I* crisis, the Greek and Turkish Prime Ministers met in Davos, Switzerland in 1988 to reduce tension between the two countries.<sup>59</sup> Although the Davos process generated some goodwill, it did not provide a long-lasting solution to the Aegean dispute.<sup>60</sup>

## 2. International Conventions

International conventions define the term "continental shelf" similarly.<sup>61</sup> According to Article 1 of the 1958 Convention on the Continental Shelf (Geneva Convention), the continental shelf refers:

- (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 metres or, beyond that limit, to where the depth of the superadjacent waters admits of the exploitation of the natural resources of the said areas;
- (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.<sup>62</sup>

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54. See Haritini Dipla, *The Greco-Turkish Dispute over the Aegean Sea Continental Shelf: Attempts at Resolution*, in GREECE AND THE LAW OF THE SEA 153, 155 (Theodore C. Kariotis ed., 1997).

55. Agreement on Procedures for Negotiations of Aegean Continental Shelf Issue, Nov. 11, 1976, Greece-Turk., 16 I.L.M. 13 (1977) ¶¶ 6-7.

56. See ACER, *supra* note 1, at 40-41; ATHANASOPOULOS, *supra* note 19, at 48.

57. See ACER, *supra* note 1, at 40-41; ATHANASOPOULOS, *supra* note 19, at 48.

58. Michael N. Schmitt, *Aegean Angst: A Historical and Legal Analysis of the Greco-Turkish Dispute*, ROGER WILLIAMS U. L. REV. 15, 41 (1996).

59. ACER, *supra* note 1, at 41; ATHANASOPOULOS, *supra* note 19, at 49.

60. ACER, *supra* note 1, at 41; ATHANASOPOULOS, *supra* note 19, at 49.

61. See, e.g., Convention on the Continental Shelf art. 1, Apr. 29, 1958, 15.1 U.S.T. 471, 499 U.N.T.S. 312 [hereinafter Convention on the Continental Shelf]; United Nations Convention on the Law of the Sea art. 76, Dec. 10, 1982, 1833 U.N.T.S. 397 [hereinafter UN Convention on the Law of the Sea]; see also ATHANASOPOULOS, *supra* note 19, at 50.

62. Convention on the Continental Shelf, *supra* note 61, art. 1.

Likewise, Article 76 of the 1982 United Nations Law of the Sea Convention (LOS Convention) defines the continental shelf as:

the sea-bed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.<sup>63</sup>

Article 121(2) of the LOS Convention states that “the continental shelf of an island [is] determined in accordance with the provisions of this Convention applicable to other land territory.”<sup>64</sup> Both the Geneva Convention and the LOS Convention grant a state exclusive exploration and exploitation rights over its continental shelf.<sup>65</sup>

In addition, both conventions provide rules for continental shelf delimitation between states with opposite or adjacent coasts.<sup>66</sup> Article 6(1) of the Geneva Convention requires application of equidistance in the absence of agreement between states with opposite coasts.<sup>67</sup> Article 6(2) requires application of equidistance in the absence of agreement between adjoining states (unless special circumstances justify an alternate division).<sup>68</sup>

However, Article 83(1) of the LOS Convention provides that “[t]he delimitation of the continental shelf between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.”<sup>69</sup>

### 3. International Boundary Decisions

The ICJ and the Permanent Court of Arbitration (Court of Arbitration) interpreted the aforementioned international conventions in several relevant boundary decisions.

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63. UN Convention on the Law of the Sea, *supra* note 61, art. 76.

64. *Id.* art. 121(2).

65. Convention on the Continental Shelf, *supra* note 61, arts. 1, 2; UN Convention on the Law of the Sea, *supra* note 61, art. 77.

66. Convention on the Continental Shelf, *supra* note 61, art. 6; UN Convention on the Law of the Sea, *supra* note 61, art. 83.

67. Convention on the Continental Shelf, *supra* note 61, art. 6(1).

68. *Id.* art. 6(2).

69. UN Convention on the Law of the Sea, *supra* note 61, art. 83(1); *see also* Statute of the International Court of Justice art. 38, 59 Stat. 1055 (June 26, 1945) (explaining that the ICJ applies conventions, customs, and general principles of law).



## i. North Sea Continental Shelf Cases

In the *North Sea Continental Shelf Cases (North Sea)*,<sup>70</sup> the ICJ opposed the uniform application of a particular delimitation scheme.<sup>71</sup> Despite consistent state practice of equidistance, the ICJ did not recognize Article 6 of the Geneva Convention as customary international law.<sup>72</sup> Instead, the ICJ adopted a delimitation method based on equitable principles.<sup>73</sup>

## ii. Channel Islands Case

The *Channel Islands Case*, like the Greek-Turkish dispute, concerns the continental shelf delimitation between states with opposite coasts.<sup>74</sup> The proximity of the British Channel Islands to the French mainland prevented a simple delimitation based on equidistance.<sup>75</sup> Unlike the Greek islands, however, the Channel Islands are “wholly detached” from the United Kingdom.<sup>76</sup> Following the *North Sea* decision, the Court of Arbitration adopted an equitable delimitation scheme.<sup>77</sup> In particular, the court divided the English Channel by a median line, but reserved a twelve-mile enclave around the British islands.<sup>78</sup> The court noted that specific geographical circumstances should govern continental shelf delimitation.<sup>79</sup>

## iii. Tunisia-Libya Case

The ICJ also adopted an equitable delimitation scheme in the *Tunisia-Libya Case*.<sup>80</sup> Specifically, the ICJ applied the “half-effect”<sup>81</sup> scheme to the Tunisian Kerkennah Islands, located near the Tunisian

70. *North Sea Continental Shelf* (Ger./Den.; Ger./Neth.), 1969 I.C.J. 3 (Feb. 20).

71. *See id.* ¶¶ 61–62; *see also* ATHANASOPOULOS, *supra* note 19, at 58.

72. Rozakis, *supra* note 36, at 79.

73. *Id.*

74. *Delimitation of Continental Shelf Between the United Kingdom of Great Britain and Northern Ireland, and the French Republic*, 18 R.I.A.A. 3, art. 2. (Ct. Arb. 1977) [hereinafter *Channel Islands Case*].

75. *See* Rozakis, *supra* note 36, at 79.

76. *Channel Islands Case*, *supra* note 74, ¶ 199; Rozakis, *supra* note 36, at 79.

77. *See* Rozakis, *supra* note 36, at 79.

78. *Id.*

79. *Channel Islands Case*, *supra* note 74, ¶ 96; ACER, *supra* note 1, at 162.

80. *Continental Shelf (Tunis./Libya)*, Judgment, 1982 I.C.J. 18 (Feb. 24).

81. *Id.* ¶ 129. The “half-effect” scheme gives “half, instead of full, effect to the offshore island in delimiting the equidistance line.” Rodman R. Bundy, *Preparing for a Delimitation Case: The Practitioner's View*, in MARITIME DELIMITATION 95, 116 (Rainer Lagoni & Daniel Vignes eds., 2006) (quoting the Court of Arbitration in the *Anglo-French Arbitration*, 18 I.L.M. 397, 455 (1979)).

coast.<sup>82</sup> Nonetheless, the ICJ recognized that the Kerkennah Islands were entitled to a continental shelf.<sup>83</sup>

#### iv. Jan Mayen Case

In the *Jan Mayen Case*, the ICJ also applied an equitable delimitation scheme to states with opposite coasts.<sup>84</sup> The ICJ first applied a median line to the disputed area.<sup>85</sup> Then, the ICJ determined whether particular circumstances required any adjustment of that line.<sup>86</sup>

### 4. Greek-Turkish Arguments

Oil exploration in the Aegean polarized Greek-Turkish positions regarding the continental shelf delimitation.<sup>87</sup>

#### i. Greek Argument

Greece argues that Turkey's unilateral delimitation of the Aegean continental shelf is unacceptable and contrary to international law.<sup>88</sup> Citing international conventions, Greece alleges that every island is entitled to its own continental shelf.<sup>89</sup> Therefore, Greece claims that its continental shelf should extend from the Greek mainland to a median line between the eastern Greek islands (which include Lesbos, Chios, Samos, Rhodes, and the Dodecanese Islands) and the Turkish coast.<sup>90</sup> Moreover, Greece maintains that the continental shelf dispute is purely a legal problem that should be resolved through judicial determination.<sup>91</sup>

#### ii. Turkish Argument

Although Turkey is not a party to the Geneva Convention or the LOS Convention, it admits that islands possess continental shelves.<sup>92</sup>

82. Rozakis, *supra* note 36, at 79–80.

83. *See id.* at 80.

84. Maritime Delimitation in the Area Between Greenland and Jan Mayen (Den. v. Nor.), 1993 I.C.J. 38 (June 14) [hereinafter *Jan Mayen Case*].

85. *Id.* ¶ 18; Rozakis, *supra* note 36, at 81.

86. *See Jan Mayen Case*, *supra* note 84, ¶ 22; *see also* Rozakis, *supra* note 36, at 81.

87. Patricia Carley, *Greek-Turkish Relations and U.S. Foreign Policy*, 17 PEACEWORKS 1, 1 (1997).

88. *See* ACER, *supra* note 1, at 149.

89. *See id.* at 150; ATHANASOPOULOS, *supra* note 19, at 51; BAHCHELI, *supra* note 21, at 131; Rozakis, *supra* note 36, at 94.

90. ACER, *supra* note 1, at 150–52; ATHANASOPOULOS, *supra* note 19, at 52; BAHCHELI, *supra* note 21, at 131–32; Rozakis, *supra* note 36, at 100–01.

91. *See* ATHANASOPOULOS, *supra* note 19, at 50; BAHCHELI, *supra* note 21, at 132; Rozakis, *supra* note 36, at 95.

92. ACER, *supra* note 1, at 155.

Turkey argues, however, that the eastern Greek islands' right to a continental shelf should be ignored to avoid an inequitable outcome.<sup>93</sup> Under the Greek scheme, Turkey estimates that ninety-seven percent of the Aegean seabed would belong to Greece, whereas only three percent would belong to Turkey.<sup>94</sup> Turkey maintains, therefore, that the Aegean continental shelf should be divided according to equitable principles,<sup>95</sup> namely a median line between the Greek and Turkish coasts.<sup>96</sup> Furthermore, Turkey claims that the continental shelf dispute is an economic and political problem that should be solved through bilateral negotiations.<sup>97</sup>

### B. Territorial Sea

The territorial sea breadth issue that emerged during UNCLOS III also damaged Greek-Turkish relations.<sup>98</sup>

#### 1. Context

UNCLOS III,<sup>99</sup> which convened in part to determine the breadth of the territorial sea,<sup>100</sup> caused further tension between Greece and Turkey.<sup>101</sup> Before UNCLOS III, states disagreed about the breadth of the territorial sea, but generally exceeded the customary three-mile limit.<sup>102</sup>

93. *Id.*; see also ATHANASOPOULOS, *supra* note 19, at 52; BAHCHELI, *supra* note 21, at 132; Rozakis, *supra* note 36, at 94, 100.

94. See BAHCHELI, *supra* note 21, at 132.

95. United Nations Conference on the Law of the Sea, Montego Bay, Jamaica, Dec. 10, 1982, *Turkey: Draft Article on Delimitation Between States*, ¶¶ 1–2, U.N. Doc. A/CONF.62/C.2/L.23 (July 26, 1974) (noting that equitable principles include the geomorphological and geological structure of the continental shelf and special circumstances, including the general configuration of respective coasts and the existence of one's islands, islets, or rocks on another's continental shelf); ACER, *supra* note 1, at 37, 153; ATHANASOPOULOS, *supra* note 19, at 52; BAHCHELI, *supra* note 21, at 131; Rozakis, *supra* note 36, at 101.

96. ACER, *supra* note 1, at 37, 154; ATHANASOPOULOS, *supra* note 19, at 52; BAHCHELI, *supra* note 21, at 132; Rozakis, *supra* note 36, at 98.

97. BAHCHELI, *supra* note 21, at 132; see also ATHANASOPOULOS, *supra* note 19, at 53; Rozakis, *supra* note 36, at 95.

98. See Ioannou, *supra* note 32, at 124–28.

99. The Third United Nations Conference on the Law of the Sea (UNCLOS III) convened in 1973 and ended in 1982. UN Convention on the Law of the Sea, *supra* note 61, art. 320. See also Div. for Ocean Affairs and the Law of the Sea, *The United Nations Convention on the Law of the Sea: A Historical Perspective*, UN.ORG, [http://www.un.org/Depts/los/convention\\_agreements/convention\\_historical\\_perspective.htm](http://www.un.org/Depts/los/convention_agreements/convention_historical_perspective.htm) (last visited Jan. 29, 2012) [hereinafter *Historical Perspective*].

100. See UN Convention on the Law of the Sea, *supra* note 61, art. 3.

101. See, e.g., Ioannou, *supra* note 32, at 124–28 (discussing Greek-Turkish positions during UNCLOS III).

102. See *Historical Perspective*, *supra* note 99 (noting that before UNCLOS III, only twenty-five states claimed a three-mile territorial sea limit, fifteen claimed a four to ten-mile territorial

In particular, Greece and Turkey each maintained a six-mile territorial sea in the Aegean.<sup>103</sup>

UNCLOS III concluded in 1982 with the adoption of the LOS Convention.<sup>104</sup> Article 3 of the LOS Convention grants every state the right to extend its territorial sea to twelve miles, measured from its baseline.<sup>105</sup> Article 121 of the LOS Convention grants the same right to every island.<sup>106</sup> Additionally, Article 15 of the LOS Convention prohibits states with opposite or adjacent coasts from extending their territorial sea beyond a median line.<sup>107</sup>

## 2. Greek-Turkish Arguments

Greece and Turkey disagree on the appropriate territorial sea limit in the Aegean.<sup>108</sup>

### i. Greek Argument

Greece ratified the LOS Convention on July 21, 1995.<sup>109</sup> Currently, Greece maintains a six-mile territorial sea in the Aegean.<sup>110</sup> However, Greece overtly reserves the right to extend its territorial sea breadth to twelve miles.<sup>111</sup>

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sea limit, sixty-six claimed a twelve-mile territorial sea limit, and eight claimed a two hundred-mile territorial sea limit); Ioannou, *supra* note 32, at 119–21.

103. ATHANASOPOULOS, *supra* note 19, at 70.

104. UN Convention on the Law of the Sea, *supra* note 61, art. 320; *see also Historical Perspective*, *supra* note 99.

105. UN Convention on the Law of the Sea, *supra* note 61, art. 3.

106. *See id.* art. 121. The twelve-mile territorial sea limit is now customary international law. Anastasia Strati, *Greece and the Law of the Sea: A Greek Perspective*, in *THE AEGEAN SEA AFTER THE COLD WAR: SECURITY AND LAW OF THE SEA ISSUES* 89, 92 (Aldo Chircop et al. eds., 2000); *see also* ACER, *supra* note 1, at 102; ATHANASOPOULOS, *supra* note 19, at 70; Ioannou, *supra* note 32, at 123.

107. UN Convention on the Law of the Sea, *supra* note 61, art. 15.

108. *See* Div. for Ocean Affairs and the Law of the Sea, *Declarations and Statements*, UN.ORG, [http://www.un.org/Depts/los/convention\\_agreements/convention\\_declarations.htm](http://www.un.org/Depts/los/convention_agreements/convention_declarations.htm) (last modified June 11, 2010) [hereinafter *Declarations and Statements*] (confirming Greece's subscription to the rights and obligations of the Convention and describing how Greece interprets such navigation rights with regard to the geographical situation particular to Greece and Turkey); *see also* ATHANASOPOULOS, *supra* note 19, at 71; BAHCHELI, *supra* note 21, at 142; Strati, *supra* note 106, at 92.

109. *See* Div. for Ocean Affairs and the Law of the Sea, *Status*, UN.ORG, [http://www.un.org/Depts/los/reference\\_files/chronological\\_lists\\_of\\_ratifications.htm#The%20United%20Nations%20Convention%20on%20the%20Law%20of%20the%20Sea](http://www.un.org/Depts/los/reference_files/chronological_lists_of_ratifications.htm#The%20United%20Nations%20Convention%20on%20the%20Law%20of%20the%20Sea) (last updated June 3, 2011).

110. Strati, *supra* note 106, at 90; BAHCHELI, *supra* note 21, at 141; *see also* ATHANASOPOULOS, *supra* note 19, at 70.

111. Nomos (1995:2321) EPHIMERIS TIS KIVERNISSEOS HELLENIKES DEMOKRATIAS [E.K.E.D.] 1995, A:136 (Greece); *see Declarations and Statements*, *supra* note 108; *see also*

## ii. Turkish Argument

Although Turkey extended its territorial sea to twelve miles in the Mediterranean Sea and the Black Sea, it maintains a six-mile territorial sea in the Aegean.<sup>112</sup> Turkey claims that the Aegean should be exempt from the twelve-mile limit because it is a semi-enclosed sea.<sup>113</sup> Further, Turkey argues that the delimitation of the territorial sea between states with opposite or adjacent coasts should be determined by an agreement that follows equitable principles and considers special circumstances.<sup>114</sup>

Turkey did not ratify the LOS Convention because it feared that Greece's right to extend its territorial sea to twelve miles would transform the Aegean into a "Greek lake."<sup>115</sup> Currently, Greece has a 35% share of the Aegean, whereas Turkey has a 7.6% share.<sup>116</sup> If the breadth of the Greek territorial sea in the Aegean were extended to twelve miles, Greece would dominate 64% of the Aegean, whereas Turkey would control only 8.8%.<sup>117</sup> A twelve-mile territorial sea would simultaneously reduce the proportion of high seas in the Aegean from 56% to 26%.<sup>118</sup> Turkey argues that a twelve-mile Greek territorial sea would impede its navigation rights in the Aegean.<sup>119</sup> Thus, Turkey considers the extension of the Greek territorial sea in the Aegean to twelve miles to be a *casus belli*.<sup>120</sup>

## IV. RESOLUTION

Although previous attempts to solve the Aegean problem have failed,<sup>121</sup> mechanisms currently exist to resolve the continental shelf and territorial sea disputes.

The continental shelf dispute could be resolved by reference to prior international boundary decisions. Specifically, following the *North*

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ACER, *supra* note 1, at 102; ATHANASOPOULOS, *supra* note 19, at 70–73; Ioannou, *supra* note 32, at 130–31; Strati, *supra* note 106, at 92.

112. ATHANASOPOULOS, *supra* note 19, at 70; BAHCHELI, *supra* note 21, at 141.

113. See ACER, *supra* note 1, at 104; Ioannou, *supra* note 32, at 127.

114. See ACER, *supra* note 1, at 104; Ioannou, *supra* note 32, at 125–26.

115. See Schmitt, *supra* note 58, at 24–25, 29–30.

116. BAHCHELI, *supra* note 21, at 142.

117. *Id.*

118. *Id.*

119. See Schmitt, *supra* note 58, at 28–29.

120. See ATHANASOPOULOS, *supra* note 19, at 71; BAHCHELI, *supra* note 21, at 142; Strati, *supra* note 106, at 92.

121. See Ted L. McDorman, *Dispute Settlement and the Law of the Sea*, in THE AEGEAN SEA AFTER THE COLD WAR: SECURITY AND LAW OF THE SEA ISSUES 225, 229 (Aldo Chircop et al. eds., 2000).

*Sea* decision,<sup>122</sup> the ICJ or the Court of Arbitration should apply an equitable delimitation scheme to divide the Aegean continental shelf.

The territorial sea dispute could be resolved through bilateral negotiations. During the course of such negotiations, each nation should agree to either maintain a six-mile territorial sea or devise an equitable solution that would account for the eastern Greek islands. Bilateral negotiations would allow the nations to choose the best option.

Alternatively, Turkey's potential accession to the European Union (EU) would create a promising climate for resolution.<sup>123</sup> Turkey first applied for membership to the EU (formerly known as the European Economic Community) on July 31, 1959.<sup>124</sup> Over fifty years later, however, Turkey's accession to the EU is still uncertain.<sup>125</sup> If Turkey joins the EU, the Aegean problem could be resolved through EU-sponsored dispute settlement.<sup>126</sup>

## V. CONCLUSION

Greece and Turkey share the Aegean Sea and a long, turbulent history. In particular, disputes regarding the continental shelf delimitation and the territorial sea breadth continually spark tension between the two nations. To achieve lasting peace in the Aegean, Greece and Turkey must resolve their disputes through existing mechanisms or possible EU-sponsored dispute settlement.

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122. See *supra* Part III(A)(3)(i).

123. See, e.g., ATHANASOPOULOS, *supra* note 19, at 97; Keefer, *supra* note 15, at 55.

124. Chronology of Turkey-European Union Relations (1959–2009), REPUBLIC OF TURK.—PRIME MINISTRY, SECRETARIAT GEN. FOR EU AFFAIRS, <http://www.abgs.gov.tr/index.php?p=112&l=2> (last visited Jan. 29, 2012). On April 14, 1987, Turkey applied for full membership in the European Community. *Id.*

125. See Leo Cendrowicz, *Fifty Years On, Turkey Still Pines to Become European*, TIME.COM (Sept. 8, 2009), <http://www.time.com/time/world/article/0,8599,1920882,00.html>.

126. See ATHANASOPOULOS, *supra* note 19, at 165; Keefer, *supra* note 15, at 55.